

SENATE MOTION

MADAM PRESIDENT:

I move that Engrossed House Bill 1300 be amended to read as follows:

- 1 Page 2, between lines 6 and 7, begin a new paragraph and insert:
- 2 "SECTION 2. IC 12-26-15-1 IS AMENDED TO READ AS FOLLOWS
- 3 [EFFECTIVE JULY 1, 2004]: Sec. 1. (a) At least annually, and more often if
- 4 directed by the court, the superintendent of the facility or the attending physician
- 5 including the superintendent or attending physician of an outpatient therapy
- 6 program, shall file with the court a review of the individual's care and treatment.
- 7 The review must contain a statement of the following:
- 8 (1) The mental condition of the individual.
- 9 (2) Whether the individual is dangerous or gravely disabled.
- 10 (3) Whether the individual:
- 11 (A) needs to remain in the facility; or
- 12 (B) may be cared for under a guardianship.
- 13 (b) If the court has entered an order under IC 12-26-12-1, the superintendent
- 14 or the attending physician shall give notice of the review to the petitioner in the
- 15 individual's commitment proceeding and other persons that were designated by the
- 16 court under IC 12-26-12-1 **or as provided in this section.**
- 17 **(c) If an individual has been committed under IC 35-36-**
- 18 **2-4, the superintendent of the facility or the attending**
- 19 **physician shall:**
- 20 **(1) file with the court the report described in**
- 21 **subsection(a) every six (6) months, or more often if**
- 22 **directed by the court; and**
- 23 **(2) notify the court, the petitioner, and any other person**
- 24 **or persons designated by the court under this section:**
- 25 **(A) at least ten (10) days before, or as soon as**
- 26 **practicable in case of an emergency when:**
- 27 **(i) the committed individual is allowed outside**
- 28 **the facility or the grounds of the facility not**
- 29 **under custodial supervision;**

1 (ii) the committed individual is transferred to
2 another facility and the location of that facility;
3 (iii) the committed individual is discharged or
4 the individual's commitment is otherwise
5 terminated.

6 (B) as soon as practicable if the committed
7 individual escapes.

8 (d) The court may designate as a person or persons to
9 receive the notices provided in this section a person or
10 persons who suffered harm as the result of a crime for which
11 the committed individual was on trial.

12 (e) The court may designate as a person or persons to
13 receive the notices provided in this section:

14 (1) an individual or individuals described in subsection
15 (d); or

16 (2) a designated representative if the person or persons
17 described in subsection (d) are incompetent, deceased,
18 less than eighteen (18) years of age or otherwise
19 incapable of receiving or understanding a notice
20 provided for in this section.

21 (f) A commitment order issued by a court under IC 35-
22 36-2-4 and this article must include the following:

23 (1) The mailing address, electronic mail address,
24 facsimile number, and telephone number of the
25 following:

26 (A) The petitioner who filed the petition under IC
27 35-36-2-4.

28 (B) Any other person designated by the court.

29 (2) The notice requirements set forth in this section."

30 Renumber all SECTIONS consecutively.

(Reference is to EHB 1300 as printed February 20, 2004.)

Senator LONG